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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,378	04/12/2004	Adam Cain	863.0019.U1(US)	3369
29683	7590	07/06/2007		
HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER NGUYEN, THU HA T	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,378	Applicant(s) CAIN ET AL.	
	Examiner Thu Ha T. Nguyen	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-14** are presented for examination.

Response to Arguments

2. Applicant's arguments filed 04/10/07 have been fully considered but they are not persuasive because of the following reasons:

3. Applicant argues that Win does not teach or suggest determining an attribute based, in part, on a capability of the network device. In response to applicant's argument, the examiner submits that Win does teach or suggest the feature of determining an attribute based, in part, on a capability of the network device as shown in abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8, col. 24, lines 24-55.

4. Applicant argues that Win does not teach or suggest the feature of authorizing a network device. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., authorizing a network device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant argues that Win does not teach or suggest the feature of generating an attribute certificate, wherein the attribute certificate is based on a capability of another network device. In response to applicant's argument, the examiner submits that Win does teach or suggest generating an attribute certificate, wherein the

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attribute certificate is based on a capability of another network device as shown in abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8, col. 24, lines 24-55.

6. As a result, cited prior art does disclose a system and method for authorizing a network device, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

7. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 9 and 14. Claims 2-8, and 10-13 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [mailed date 01/04/07]. Accordingly, claims 1-14 are rejected.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

OR

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Win et al.** (hereinafter Win) U.S. Patent No. **6,453,353**.

10. As to claim 1, Win teaches a method for authorizing a network device, comprising: determining an attribute based, in part, on a capability of the network device (abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8); generating an attribute certificate based, in part, on the attribute (col. 7, line 34-col. 8, line 46, col. 10, line 34-col. 11, line 9); storing the attribute certificate including the attribute (col. 6, line 20-65, col. 10, lines 14-67); and if the attribute certificate is valid, authorizing access to a resource over a network based, in part, on the attribute associated with the attribute certificate (col. 9, line 14-col. 10, line 67, col. 11, line 43-col. 12, line 8).

11. As to claim 2, Win teaches attribute is further determined based, in part, on an automated security scan of the network device (abstract, col. 5, line 55-col. 6, line 10, col. 10, lines 34-67).

12. As to claim 3, Win teaches wherein the attribute is further determined based, in part, on a condition to be satisfied (figure 3, col. 8, lines 5-63).

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13. As to claim 4, Win teaches wherein the attribute is further associated with a group of network devices (col. 13, lines 35-67).

14. As to claim 5, Win teaches wherein the attribute is further associated with a group of users (col. 13, lines 35-67).

15. As to claim 6, Win teaches, wherein the attribute certificate is generated by at least one of the network device, an access server, and an attribute authority (figure 1).

16. As to claim 7, Win teaches wherein the attribute certificate is stored in at least one of the network device, and an attribute repository (figure 1).

17. As to claim 8, Win teaches wherein the attribute certificate is provided to an access server through the use of at least one of a cookie, a program, and a manual upload (col. 10, line 41-col. 12, lines 8).

18. As to claim 9, Win teaches a network device for managing authorization to a resource over a network, comprising: a first component configured to generate an attribute certificate, wherein the attribute certificate is based, in part, on a capability of another network device (abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8); a second component, coupled to the first component, configured to store the

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attribute certificate (col. 7, line 34-col. 8, line 46, col. 10, line 34-col. 11, line 9); and a third component, coupled to the second component, configured to authorize the other network device to the resource over the network based, in part, on the attribute of the other network device associated with the attribute certificate (col. 9, line 14-col. 10, line 67, col.11, line 43-col. 12, line 8).

19. As to claim 10, Win teaches wherein the first component is further configured to generate the attribute certificate based on a condition to be satisfied (figure 3, col. 8, lines 5-63).

20. As to claim 11, Win teaches further comprising a fourth component that is configured to perform an automated security scan of the other network device (abstract, col. 5, line 55-col. 6, line 10, col. 10, lines 34-67).

21. As to claim 12, Win teaches wherein the first component is further configured to generate the attribute certificate based on the automated security scan of the other network device (abstract, col. 5, line 55-col. 6, line 10, col. 10, lines 34-67).

22. As to claim 13, Win teaches wherein the second component is further configured to send the attribute certificate to the other network device to be stored, and the third component it further configured to receive the attribute certificate (figure 1).

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23. As to claim 14, Win teaches a network device for managing authorization to a resource over a network, comprising: a means for generating an attribute certificate, wherein the attribute certificate is based on a capability of another network device (abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8); a means for storing the attribute certificate (col. 7, line 34-col. 8, line 46, col. 10, line 34-col. 11, line 9); and a means for authorizing the other network device to the resource over the network based, in part, on the attribute of the other network device associated with the attribute certificate (col. 9, line 14-col. 10, line 67, col.11, line 43-col. 12, line 8).

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571)

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272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THU HA NGUYEN
PRIMARY EXAMINER

July 2, 2007